IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8316 OF 2005

1. Raj Poly Products Ltd and anr. Applicants.
Vs
1. The State of Mah & Anr. Respondents.

None for the applicants
Mr A.S.Shitole, APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 22nd JUNE, 2006

P.C.:

1. None appears for the applicants. Heard the learned APP for the respondent-State.

2. The applicants have prayed for quashing and setting aside the order of issue of process issued against the applicants in case no. 418/S/2002 under section 138 r/w 141 of the Negotiable Instruments Act. The complaint was filed on 25.2.1999. After verification the process was issued on 22.10.1999. I perused the petition and the annexures thereto. While issuing the process it appears that the documents, namely cheque, bank memo, notice and envelop returned to the complainant, were perused by the learned Magistrate. All these documents have presumptive value and taking that into consideration the process was issued. The plea of the applicants was also recorded on 18.7.2005. Moreover, the applicants have not explained the delay in approaching this Court

for quashing of the order of issue of the process, between the period from the service of the summons and filing of this application. Considering the overall facts and circumstances of the case and the provisions of Section 139 of the Negotiable Instruments Act, no case for recall of the process is made out. The application is accordingly rejected.

(D.B.BHOSALE,J.)